

REDACTED  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

2008 APR -2 P 2: 58

CLERK, US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

CRIM NO. BY

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

INDICTMENT

SA08CR186 RF

[REDACTED]

HERIBERTO MACIAS DIAZ (2),  
DAVID PEREZ (3),  
WILLIAM DAVALOS (4),  
LEROY GUERRA GARCIA (5),  
MARK ANTHONY JIMENEZ (6).

[Viol. 18 U.S.C. § 1201(c),  
Conspiracy to Kidnap]

Defendants.

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. § 1201]

Beginning on or about January 9, 2007 and continuing until on or about January 21, 2007, in the Western District of Texas, and elsewhere within the jurisdiction of the Court, Defendants,

[REDACTED]

HERIBERTO MACIAS DIAZ (2),

DAVID PEREZ (3),

WILLIAM DAVALOS (4),

LEROY GUERRA GARCIA (5),

MARK ANTHONY JIMENEZ (6),

knowingly, intentionally and unlawfully combined, conspired, confederated and agreed

together and with others known and unknown to willfully and unlawfully kidnap, abduct and carry away R.O. in interstate and foreign commerce from Pearsall, Frio County, Texas, to Piedras Negras, Republic of Mexico, and did hold him for ransom, reward or otherwise.

### OBJECTS OF THE CONSPIRACY

The objects of the conspiracy included the following:

- (1) to collect missing payment for illegal controlled substances that had been delivered.
- (2) to transport the proceeds of those sales out of the United States and into the Republic of Mexico where they could be delivered to the supplier of the illegal controlled substances.

### OVERT ACTS

It was part of the combination, conspiracy, confederation and agreement that the Defendants would promote the specified unlawful activity by:

- 1) On January 10, 2007, [REDACTED] contacts **HERIBERTO MACIAS DIAZ** and instructs him to locate a vehicle that was involved in an accident and contained important papers. **HERIBERTO MACIAS DIAZ** knew this meant the vehicle contained money.
- 2) On January 10, 2007 **HERIBERTO MACIAS DIAZ**, in a series of phone calls, informs [REDACTED], and others, that the vehicle had been located at Telles Wrecker Service in Pearsall, Frio County, Texas. **HERIBERTO MACIAS DIAZ** informed [REDACTED], that since the vehicle was a rental vehicle, that paperwork would need to be signed, by the renter of the vehicle, in order to retrieve the vehicle from the wrecker yard in Pearsall.
- 3) On January 11, 2007, **HERIBERTO MACIAS DIAZ**, and others, cause the vehicle to be removed from Telles Wrecker Service in Pearsall, Frio County, Texas. The vehicle is taken to Crystal City, Zavala County Texas.

4) On January 11, 2007, **HERIBERTO MACIAS DIAZ**, and others, take down the spare tire from the vehicle only to discover that the tire does not contain the money. This fact is reported to [REDACTED] in a series of phone calls.

5) On January 11 and 12, 2007 **HERIBERTO MACIAS DIAZ**, and others, travel to Piedras Negras, Coahuila, Republic of Mexico, to explain to [REDACTED] in person, their knowledge of the missing money.

6) On January 13, 2007 [REDACTED] instructs **HERIBERTO MACIAS DIAZ** to kidnap and bring to Piedras Negras, Mexico, the wrecker driver from Pearsall, Frio County, Texas.

7) On January 13, 2007 **HERIBERTO MACIAS DIAZ**, **DAVID PEREZ**, and **WILLIAM DAVALOS** meet in Crystal City, Zavala County Texas to plan the kidnapping of the wrecker driver in an attempt to recover the illegal drug proceeds. \$10,000 is offered to **WILLIAM DAVALOS** as payment for assisting in the kidnapping. \$5,000 is paid upfront for the assistance.

8) On January 13, 2007 **WILLIAM DAVALOS**, recruits **LEROY GUERRA GARCIA**, and **MARK ANTHONY JIMENEZ** to assist with the kidnapping of the wrecker driver.

9) On January 14, 2007 **HERIBERTO MACIAS DIAZ**, **DAVID PEREZ**, **WILLIAM DAVALOS**, **LEROY GUERRA GARCIA**, and **MARK ANTHONY JIMENEZ** travel to Pearsall, Frio County, Texas to participate in the kidnapping.

10) On January 14, 2007 **HERIBERTO MACIAS DIAZ** places a call requesting a tow truck be sent to Frio County Regional Park in Pearsall for a vehicle needing a tow.

11) On January 14, 2007 R. O., the tow truck driver, is forced into a vehicle by **LEROY GUERRA GARCIA**, **MARK ANTHONY JIMENEZ**, and others, as he responds to the tow truck call. R. O. is taken by **HERIBERTO MACIAS DIAZ** and **DAVID PEREZ** against his will from Pearsall Frio County, Texas to Piedras Negras, Mexico.

12) R. O. is held in Piedras Negras, Mexico against his will. While being held in Piedras Negras Mexico, R. O. is tortured and interrogated about the missing spare tire that held the illegal proceeds from drug distribution.

13) On or about January 14, 2007, in a series of Phone calls [REDACTED] and others known and unknown, makes demands for the return of the missing illegal drug proceeds from R. T. [REDACTED] threatens to cut the head off of his driver, R. O., unless R.T. brings the missing tire to Eagle Pass, Texas.

14) On January 20, 2007 R. O. is released at the Port of Entry in Del Rio, Texas.

all in violation of Title 18, United States Code, Section 1201(c).

A TRUE BILL,

FOR PERSON [REDACTED]

JOHNNY SUTTON  
United States Attorney

By:

  
JOE F. SEPEDA

Assistant United States Attorney